

# WISCONSIN ELECTIONS COMMISSION

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## MEMORANDUM

**TO:** Wisconsin County Clerks and the Milwaukee County Elections Commission  
Wisconsin Municipal Clerks and the Milwaukee City Elections Commission

**FROM:** Michael Haas  
Administrator

**DATE:** October 5, 2017

**SUBJECT:** Election Night Results Reporting for Local Special Elections

At its September 26, 2018 meeting, the Wisconsin Elections Commission (WEC) directed staff to advise municipal and county clerks that the requirement for municipal clerks to report election night results to county clerks, and for county clerks to post such results on a county website, does not apply to local and school district special elections for which the county does not conduct the official canvass. This guidance is effective immediately.

### Background

Due to the number of local special elections and special referenda scheduled around the state for this fall, several county clerks have contacted the Wisconsin Elections Commission (WEC) to clarify their role in local elections held in their respective counties. Specifically, county clerks ask if the office of the county clerk must be open the night of a local special election to receive results from the municipal clerks and post those results on the county website.

In March 2017, after considering the implementation of 2015 Act 261 (which created the two-hour rule for posting election night results and which highlighted the "all returns" requirement), the Commission directed that county clerks must post all returns on election night on the county website including results involving local contests. At the time, the Commission was focused on the process for reporting and posting unofficial results for *regular* elections, where the county clerk is already required to be in the office to collect returns related to county, state and federal offices. The Commission did not discuss local elections held outside of regularly-scheduled election days, when the county clerk has no role on election night and would not normally collect results for a local office or referendum contest.

Commission staff contacted the staff of the legislative sponsors of Act 261, who advised that the sponsors of the act believe the Legislature did not intend for the requirement to apply to local and school district special elections. Commission staff concurred and recommended that the Commission provide guidance to county and municipal clerks consistent with that interpretation.